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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,418	02/09/2004	Katsuhiko Hara	00862.022146.1	6585
5514 7590 04/04/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
SORRELL, IERON J				
ART UNIT		PAPER NUMBER		
2182				
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04/04/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/773,418

Applicant(s)

HARA ET AL.

Examiner

ERON J. SORRELL

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32, 33, 36-38, 41-43, 46 and 47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32, 33, 36-38, 41-43, 46 and 47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/805,883.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Examiner's Remarks

1. The applicants amendment to the claims is sufficient to overcome the outstanding rejections of claims 32,33,36-38,41-43,46, and 47 based on 35 USC 112 first paragraph; and the outstanding rejections of claims 32,33, and 36 based on 35 USC 101, as now the claims positively recites the apparatus as part of a network system, thus requiring some sort of hardware.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 32,33,36-38,41-43,46, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ouchi (U.S. Patent No. 6,628,422) in view of Pleso (U.S. Patent No.6,009,480) and further in view of TCP/IP Illustrated Volume I, The Protocols (author: W. Richard Stevens, hereinafter "Stevens").

4. Referring to apparatus claim 32, method claim 37, computer program product claim 42, and system claim 47, Ouchi teaches an apparatus, method which may be realized on a computer readable storage medium, and a network system comprising a peripheral device (see item 30 in figure 1), an image processing device (see item 20 in figure 1), and an information processing apparatus (see item 1 in figure 1) storing a writing program for driving the peripheral device (see lines 55-60 of column 1),

wherein the information processing apparatus includes:

obtaining means for obtaining the scanner driver (see lines 48-53 of column 2, note the scanner driver is installed on the PC);

transfer means for transferring a scan request to the image processing apparatus using the scanner driver obtained by the obtaining means (see paragraph bridging columns 5 and 6),

wherein the image processing apparatus includes:

obtaining means for obtaining a writing program delivered from said information processing apparatus (see lines 31-50 of column 7);

executing means for executing a scanning process using the scanner driver to obtain data in response to the scan request from the scanner driver in said information processing apparatus sent by said sending means (see lines 17-42 of column 9); and

transmitting means for transmitting the data obtained by the scanning process using the obtained writing program (see lines 17-42 of column 9),

wherein said transmitting means is controlled by the writing program cause a print service in the peripheral device to print the data obtained by the scanning process, and wherein the print service is called remotely using a remote procedure call implemented in the writing program (see lines 55-67 of column 9).

Ouchi fails to teach the information processing apparatus obtaining the scanner driver from the scanner, the scanner comprising a sending means for sending a scanner driver to the information processing apparatus, and fails to teach the print service is called remotely using a remote procedure call implemented in the printer driver.

Pleso teaches a method, system, and apparatus, wherein a peripheral comprising sending means for sending its device driver to a host and the host comprising obtaining means for obtaining the driver from the peripheral ().

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the teachings of Ouchi with the above teaching of Pleso to reduce

the amount of burden on a user when adding a peripheral to the system.

Stevens teaches, in a networking environment, the use of remote procedure calls is efficient network programming practice and provides a layer of abstraction which allows for code reuse (see page 462). For these reasons, it would have been obvious to modify the combination of Ouchi and Pleso with the above teachings of Stevens.

5. Referring to claims 33,38, and 43, the combination of Ouchi, Pleso, and Stevens the image processing apparatus, further comprising driving means for, after obtaining writing program, executing the writing program in response to completion of preparation of the device scanner driver and the printer driver to drive the peripheral device (see Ouchi lines 31-50 of column 7, wherein the driver is disclosed. Incorporating the teachings of Pleso the printing operations would not be able to be carried out until the drivers have completed the installation process.

13. Referring to claims 36,41, and 46, Stevens teaches, in a networking environment, the use of remote procedure calls is efficient network programming practice and provides a layer of

abstraction which allows for code reuse (see page 462). For these reasons, it would have been obvious to modify the combination of Ouchi and Pleso with the above teachings of Stevens.

Response to Arguments

6. The applicants argument with respect to the newly added limitation of the image processing apparatus comprising "a sending means for sending a scanner driver to the external information processing apparatus for scanning an image to get data," is moot in light of the new grounds of rejection.

7. The applicant's arguments with respect to Ouchi have been fully considered, but are found to be non-persuasive. The applicant argues Ouchi fails to teach obtaining means for obtaining a writing program delivered from the external information processing apparatus; executing means for executing a scanning process to obtain data in response to scan request from the scanner driver in the external information processing apparatus sent by said sending means; or transmitting means for transmitting the data obtained by the scanning process using the obtained writing program, as recited in Claim 32. **The Examiner**

disagrees. The elements are clearly taught at the citations indicated in the rejection of claim 32 above.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERON J.

SORRELL whose telephone number is (571)272-4160. The examiner can normally be reached on Monday-Friday 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alford Kindred can be reached on 571-272-4037. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. J. S./
Examiner, Art Unit 2182

/Alford W. Kindred/

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